

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA (N.C. EXEMPTIONS)**

11-80229

In Re:)	
Oscar Hernando Oviedo-Duque)	Case No. _____
203 Haywards Lane)	Chapter <u>13</u>
Mebane, NC 27302)	
)	
Elizabeth Sofia Pereira Larez)	
203 Haywards Lane)	
Mebane, NC 27302)	
)	
)	
SS# <u>xxx-xx-3669</u>)	
SS# <u>xxx-xx-5884</u>)	
Debtor(s))	

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on February 9, 2011 .

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the proof of claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

CHAPTER 13 PLAN SUMMARY

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The Debtor proposes an initial plan, which is subject to modification, as follows:

I. Plan Payments

The plan proposes a payment of **\$2,391.00** per month for a period of **55** months. The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed.

II. Administrative Costs

1. Attorney fees.

- ☒ The attorney for the Debtor will be paid the base fee of \$3,000.00. The Attorney has received **\$250.00** from the Debtor pre-petition and the remainder of the base fee will be paid monthly by the Trustee as funds are available, after scheduled monthly payments to holders of domestic support obligations and allowed secured claims.
- ☐ The Attorney for the Debtor will file application for approval of a fee in lieu of the presumptive fee.

2. Trustee costs.

The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses

III. Priority Claims

All pre-petition claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments unless otherwise indicated.

1. Domestic Support Obligations ("DSO")

- a. ☒ None
- b. The name, address, and phone number, including area code, of the holder of any DSO as defined in § 101(14A) is as follows:

Name of DSO Claimant	Address, city, state & zip code	Telephone Number

- c. All **post-petition** DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.
- d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment

2. Other priority claims to be paid by Trustee

Creditor	Estimated Priority Claim
Orange County Child Support	\$3,017.00

IV. Secured Claims

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1. Real Property Secured Claimsa. ☐ None

b. All payments on any claim secured by real property will be paid by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be paid by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Residence or Non-residence R/NR	Current Y/N	Monthly Payment	Arrearage Amount	If Current Indicate Payment by Debtor (D) or Trustee (T)
Rooms To Go/GEMB	Furniture	NR	Y	\$20.50	\$0.00	T
Midland Mortgage Company	Primary Residence 203 Haywards Lane Mebane, NC 27302 FMV= \$158,586 - \$9,515 (6% cost of sale) =\$149,071	R	N	\$1,408.00	\$8,139.44	

2. Personal Property Secured Claimsa. ☐ None

b. Claims secured by personal property will be paid by the Trustee as follows:

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate
Southeast Toyota Finance	2008 Toyota RAV4 42,000 miles V.I.N.: JTMZD35V48511589 4 Insurance: Allstate Policy No.: 955-412-795	\$22,927.00	Y	\$0.00	\$0.00	\$469.92	5.25%

The Trustee will disburse pre-confirmation adequate protection payments to secured creditors holding allowed purchase money secured claims. Claims having a collateral value of less than \$2,000.00 will not receive adequate protection payments.

To the extent that the valuation provisions of 11 U.S.C. § 506 do not apply to any of the claims listed above, the creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).

3. Collateral to be Released

The Debtor proposes to release the following collateral:

Creditor	Collateral to be Released
-NONE-	

4. Liens to be Avoided

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The Debtor pursuant to 11 U.S.C. § 522 proposes to avoid the following liens on property to the extent that such liens impair the Debtor's exemption:

Lien Creditor	Property
-NONE-	

V. Co-Debtor Claims

The Debtor proposes to separately classify for payment in full the following claims for consumer debts on which an individual is liable with the Debtor:

Creditor	Co-Debtor	Interest Rate	Monthly Payment
-NONE-			

VI. General Unsecured Claims Not Separately Classified

General unsecured claims will be paid on a pro-rata basis, with payments to commence after priority unsecured claims are paid in full. The estimated dividend to general unsecured claims is 0 %.

VII. Executory Contracts/Leases

- a. ☒ None
- b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

- c. The following executory contracts and/or leases will be assumed. The Debtor will pay directly all lease payments which come due from the petition filing date until confirmation of the plan. Upon confirmation, payments will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly payment	Monthly payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage monthly payment
-NONE-						

VIII. Special Provisions

- a. ☒ None
- b. Other classes of unsecured claims and treatment

c. Other Special Terms

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Date: **February 9, 2011**

/s/ Terri M. Weik

Terri M. Weik 37921

Attorney for the Debtor

Address: **6010-C Six Forks Road
Raleigh, NC 27609**

Telephone: **(919) 845-7877**

State Bar No. **37921**

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA (N.C. EXEMPTIONS)**

11-80229

In Re:

**Oscar Hernando Oviedo-Duque
Elizabeth Sofia Pereira Larez**

SS# xxx-xx-3669

SS# xxx-xx-5884

Debtor(s)

**NOTICE TO CREDITORS
AND
PROPOSED PLAN**

Case No. _____

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

**Reid Wilcox
Clerk of Court
U.S. Bankruptcy Court
Middle District of North Carolina
P.O. Box 26100
Greensboro, NC 27402**

**Richard M. Hutson, II
Chapter 13 Trustee
Durham Division
Post Office Box 3613
Durham, NC 27702-3613**

**Allied Interstate, Inc.
3000 Corporate Exchange Dr.
5th Floor
Columbus, OH 43231**

**Allied Interstate, Inc.
3000 Corporate Exchange Dr.
5th Floor
Columbus, OH 43231**

**Belk
P.O. Box 960012
Orlando, FL 32896-0012**

**Best Buy
P.O. Box 5238
Carol Stream, IL 60197**

**BYL Services
P.O. Box 569
Malvern, PA 19355**

**Capital Recovery
4505 North Front Street
Harrisburg, PA 17106**

**Care Credit/GEMB
P.O. Box 960061
Orlando, FL 32896-0061**

**Cary Orthopaedic & Sports Medicine
P.O. Box 63086
Charlotte, NC 28263**

**Chase
P.O. Box 15153
Wilmington, DE 19886-5153**

Chase
P.O. Box 15153
Wilmington, DE 19886-5153

Christiana Care Health System
4755 Ogletown-Stanton Road
Newark, DE 19718

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4755 Ogletown-Stanton Road
Newark, DE 19718

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4755 Ogletown-Stanton Road
Newark, DE 19718

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4755 Ogletown-Stanton Road
Newark, DE 19718

CITI Bank SD NA
701 E. 60th St. N.
Sioux Falls, SD 57104

Citifinancial Retail Services
P.O. Box 183172
Columbus, OH 43218

Consumer Recovery Associates
2697 International Parkway
Virginia Beach, VA 23452

Consumer Recovery Associates
2697 International Parkway
Virginia Beach, VA 23452

Consumer Recovery Associates
2697 International Parkway
Virginia Beach, VA 23452

Credit Bureau
P.O. Box 26140
Greensboro, NC 27402

Credit Control, LLC
245 East Roselawn #25
Maplewood, MN 55117

Home Depot Credit Services
Processing Center
Des Moines, IA 50364-0500

Jacob Law Group, PLLC
2623 West Oxford Loop
Oxford, MS 38655

JC Penney
P.O. Box 960001
Orlando, FL 32896

Midland Mortgage Company
P.O. Box 26648
Oklahoma City, OK 73126

Old Navy
P.O. Box 530942
Atlanta, GA 30353

Orange County Child Support
110 N. Churton Street
Hillsborough, NC 27278

Rooms To Go/GEMB
P.O. Box 960061
Orlando, FL 32896-0061

Sears Credit Cards
P.O. Box 183081
Columbus, OH 43218-3081

Southeast Toyota Finance
P.O. Box 991817
Mobile, AL 36691

THD/CBSD
P.O. Box 6497
Sioux Falls, SD 57117

United Collection Bureau, Inc.
5620 Southwyck Boulevard, Suite 206
Toledo, OH 43614-1501

WalMart Discover
P.O. Box 960024
Orlando, FL 32896-0024

Walmart GEMB
P.O. Box 530927
Atlanta, GA 30353-0927

Walmart GEMB
P.O. Box 530927
Atlanta, GA 30353-0927

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Date: February 9, 2011

/s/ Terri M. Weik

Terri M. Weik 37921